



CANNON BUILDING
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**STATE OF DELAWARE
REAL ESTATE COMMISSION**

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PUBLIC MEETING MINUTES:	REAL ESTATE COMMISSION
MEETING DATE AND TIME:	Thursday, July 10, 2014 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , Second Floor of the Cannon Building
MINUTES FOR APPROVAL	August 14, 2014

MEMBERS PRESENT

Andrew Staton, Professional Member, Chairman
Ricky H. Allamong, Professional Member, Vice Chairman
Christopher J. Whitfield, Professional Member
Michael Harrington, Sr., Professional Member
Gilbert Emory, Public Member
Lynn Rogers, Public Member
Joseph F. McCann, Public Member
James C. Brannon, Jr., Public Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

Eileen Kelly, Deputy Attorney General
Sandra Wagner, Administrative Specialist III

MEMBERS ABSENT

Justin Healy, Professional Member, Secretary

ALSO PRESENT

Donna Klimowicz, Real Estate Education Committee
Sal Sedita, DE School of Real Estate
Candace Cottrell
Anna Vleugels
Monica LeBlanc
Denise Tatman, DAR
Angela Emerson, SCAOR
Kristin Gibbons, DPR
Barbara Carter

CALL TO ORDER

Mr. Staton called the meeting to order at 9:00 a.m.

REVIEW OF MINUTES

Mr. Harrington made a motion, seconded by Mr. Emory, to approve the minutes of the meeting held on June 12, 2014. By unanimous vote, the motion carried.

NEW BUSINESS

Discussion and Review of Hearing Officer Recommendations

Candace Cottrell – Commission members reviewed the Disciplinary Recommendation from the Hearing Officer with Mr. Staton describing the sanctions. Ms. Cottrell made a statement regarding the Hearing Officer recommendation. She stated that she did not attend the hearing because she did not know about it, although she admitted that she received the Recommendation, which was sent to the same address as the hearing notice. She admitted that she has had a major struggle with alcohol, but is now taking steps to address her problem. Ms. Cottrell further stated that although she has had issues in her personal life, she has always represented her clients diligently. After deliberation, Mr. Allamong made a motion, seconded by Mr. McCann, to accept the Hearing Officer's recommendation as written. After further deliberation, Mr. Allamong withdrew his motion. Mr. Whitfield made a motion, seconded by Mr. Harrington, to amend the Hearing Officer's recommendation as follows: Ms. Cottrell's license shall be suspended for sixty days; her suspension shall not be lifted until she shows completion of the continuing education credits required for the 2014 license renewal; after lifting of the period of suspension, Ms. Cottrell's license shall be placed on probation; Ms. Cottrell shall enter the Delaware Professional Health Monitoring Program ("DPHMP") immediately; her probation shall continue until she is discharged from the DPHMP; if at any time DPHMP reports non-compliance by Ms. Cottrell, she shall appear before the Commission for further proceedings and possible further discipline. By unanimous vote, the motion carried.

Donald Roth – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Allamong describing the sanctions. After discussion, Mr. Allamong made a motion, seconded by Mr. Brannon, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Education Committee Report

Ms. Klimowicz went through the Education Committee minutes with the Commission. They had 19 new courses approved, 5 instructor applications were approved, with the exception of one instructor application that was partially approved, and 1 student request. The person requested 5 modules for one course, and the Education Committee approved the courts for module 7 only.

Ms. Klimowicz stated that the Commission had asked the Education Committee to reconsider the request of the American School of Real Estate and the Education Committee felt that their original decision by unanimous vote be upheld that they could only use module 7. The Education Committee re-reviewed Sussex County's course and approved the request after Sussex County completed their outlines correctly.

Discussion: Seminar

The Education Committee discussed the Commission's suggestion of having mock trials and the Education Committee would recommend a presentation on the complaint process. Most Real Estate professionals do not know about the complaint process. The Education Committee was thinking of using a recent complaint that has been processed by the Hearing Officer. The Committee also recommended information on the top 10 disciplinary violations. There have been some changes to the septic systems and this information is not in the disclosures or contracts from DNREC so this could be another topic of discussion. Then lastly, it might be helpful to speak about the seller's disclosure forms, since the forms have recently been changed.

Recommendation to Approve and Deny Course Providers, Instructor Applications and Student Requests as Noted

Mr. Brannon made a motion, seconded by Mr. McCann, to approve to the education approvals submitted by the Education Committee. By unanimous vote, the motion carried.

Review of Letter to All DREC Approved Pre-licensing Course Providers

Mr. Harrington made a motion, seconded by Mr. Brannon, to approve the letter; however the Commission would like to see a web link in the letter for the Education Committee Guidelines. By unanimous vote, the motion carried.

Applications for Licensure

Ratification of Salesperson Applications

Mr. Allamong made a motion, seconded by Mr. McCann, to ratify the following applications for salespersons:

Margaret Joswich, Bethany Area Realty, Inc., Bethany Beach, DE
Daniel Marcus, Re/Max Associates, Newark, DE
Brandy Ridgeway, First Class Property Management of DE, LLC, Dover, DE
Anna Melvin, First Class Properties, Dover, DE
Shannon Jackson-Schmidt, Coldwell Banker Brokerage, Bethany Beach, DE
David Franks, NRT Phila LLC dba Coldwell Banker Preferred, Wilmington, DE
Janet Burton, Keller Williams at the Beach, Rehoboth Beach, DE
Milagros Guzman, BHHS Fox & Roach, Greenville, DE
Kenneth Oberdorf, Harrington ERA Realty, Inc., Dover, DE
Claudia Norman, Beach Bound Realty, Dagsboro, DE
Michelle McKelligan, Harrington ERA North Dover, Dover, DE
Lauren Waesche, Century 21 New Horizon, Ocean City, MD
Michael Van Orden, Keller Williams Central, Dover, DE
Mary Daly, BHHS Fox & Roach, Newark, DE
Suzanne Shirey, Burns & Ellis Realtors, Dover, DE
Debra Cox, Coldwell Banker, Bethany Beach, DE
Lucinda Sholly, Keller Williams at the Beach, Rehoboth Beach, DE
Lynette Newberry, Coldwell Banker Residential Brokerage, Bethany Beach, DE
Christine Macysyn, Coldwell Banker Residential Brokerage, Bethany Beach, DE
Jacqueline Green, Keller Williams Realty, Christiana, DE
Lisa Tulloch, Coldwell Banker Residential Brokerage, Bethany Beach, DE
Eric Komar, NRT Phila LLC, dba Coldwell Banker Preferred, Wilmington, DE
Ronald Turcot, BHHS Gallo Realty, Bethany Beach, DE
Charles Enman, Re/Max Sunvest Realty, Wilmington, DE
Thomas Fleming, Long & Foster Realtors, Rehoboth Beach, DE
Robert Rich, Sperry Van Ness-Miller Commercial Real Estate, Salisbury, MD
Margot Teeter, Re/Max Town & Country, West Chester, PA
Raphael Henson, Keller Williams Central, Dover, DE
Kyle Short, Maggio & Shields Real Estate, Rehoboth Beach, DE
Edward McAvinue, Long & Foster Real Estate, Greenville, DE
Melissa Slider, Patterson Schwartz, Greenville, DE
Daniel James, Keller Williams Realty, Christiana, DE
Danielle Conley, BHHS Fox & Roach, Newark, DE
Claudette Martin-Wus, Patterson Schwartz, Dover, DE
Andrea Weed, Keller Williams, Newark, DE
Susan Lewis, Coldwell Banker Rowley Realtors, Newark, DE
Erin Lee, Keller Williams Realty at the Beach, Rehoboth Beach, DE

Michael Outten, Keller Williams Realty Central, Dover, DE
Melvin Wynn, BHHS Fox & Roach, Bear, DE
William Payton IV, Coldwell Banker Resort Realty, Milford, DE
Jose Santana Mieres, Segall Group LLC, Baltimore, MD
Cynthia Nagel, Prudential PenFed Realty, Berlin, MD
Robert Carroll, Keller Williams Realty at the Beach, Rehoboth Beach, DE
Debra Carroll, Keller Williams Realty at the Beach, Rehoboth Beach, DE
Joseph Leone, Coldwell Banker Preferred, Wilmington, DE
Brian Lindquist, 1st Choice Properties, Bethany Beach, DE
Jill Romero, BHHS Fox & Roach, Newark, DE
Elizabeth Vasilikos, Keller Williams Realty at the Beach, Rehoboth Beach, DE
Adam Glushakow, ERA Bill Martin & Associates, Salisbury, MD

By unanimous vote, the motion carried.

Review of Salesperson Applications

Ms. Kelly described the reason for reviewing the application submitted by Mr. Saeed Shahidi. The Commission reviewed the Salesperson application. Mr. Whitfield made a motion, seconded by Mr. Brannon, to approve Mr. Shahidi's application. By unanimous vote, the motion carried.

Review of Broker and Associate Broker Applications

The Commission reviewed the associate broker's application of Joni Williamson. Mr. Brannon made a motion, seconded by Mr. Rogers, to approve Ms. Williamson's application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of Raymond Dudkewitz. Mr. Brannon made a motion, seconded by Mr. Rogers, to approve Mr. Dudkewitz's application. By unanimous vote, the motion carried.

The Commission reviewed the broker's application of Stephanie Burg-Brown. Mr. Brannon made a motion, seconded by Mr. Rogers, to approve Ms. Burg-Brown's application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of Jacqueline Boyer. Mr. Brannon made a motion, seconded by Mr. Rogers, to approve Ms. Boyer's application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of Adam Gaull. Mr. Brannon made a motion, seconded by Mr. Rogers, to approve Mr. Gaull's application. By unanimous vote, the motion carried.

Review of Applications for Reinstatement

The Commission reviewed the application of Germaine Solomon for reinstatement of a salesperson's license. Mr. Whitfield made a motion, seconded by Mr. Harrington, to approve Mr. Solomon's reinstatement application upon successful passing of both exams. By unanimous vote, the motion carried.

Mr. Allamong made a motion, seconded by Mr. Rogers, to amend the agenda to add 3.3.5.3 Long & Foster Real Estate, Inc., for a new office application. By unanimous vote, the motion carried.

Review of Applications for New Office

The Commission reviewed the application of Riverfront Realty for a new office. Mr. Allamong made a motion, seconded by Mr. Brannon, to approve the new office application. By unanimous vote, the motion carried.

The Commission reviewed the application of EXP Realty for a new office. Mr. Allamong made a motion, seconded by Mr. Brannon, to approve the new office application. By unanimous vote, the motion carried.

The Commission reviewed the application of Long & Foster Real Estate, Inc., for a new office. Mr. Allamong made a motion, seconded by Mr. Brannon, to approve the new office application. By unanimous vote, the motion carried.

Status of Complaints

Complaint # 02-22-13 – Closed by Investigator
Complaint # 02-18-13 – Closed by Investigator
Complaint # 02-18-14 – Forwarded to Attorney General
Complaint # 02-23-14 – Forwarded to Attorney General
Complaint # 02-33-13 – Forwarded to Attorney General
Complaint # 02-21-13 – Closed by Attorney General
Complaint # 02-30-13 – Closed by Investigator
Complaint # 02-10-14 – Forwarded to Attorney General

Correspondence

Request for a Waiver – Dave Kramer

The Commission discussed and reviewed the request submitted by Mr. Dave Kramer. Mr. Kramer's request asked the Commission to give him a waiver so that he would not have to sit for both exams. Mr. Whitfield made a motion, seconded by Mr. McCann, to deny the request for a waiver for Mr. Kramer. By unanimous vote, the motion carried.

Discussion: Request to Lift Probation from Keith Levitt

The Commission reviewed the request from Mr. Levitt to lift his probation. The Commission finds that Mr. Levitt has completed all the requirements of his order. Mr. Brannon made a motion, seconded by Mr. Harrington, to lift the probation of Mr. Levitt. By unanimous vote, the motion carried.

Discussion: Commission's Subcommittee

Ms. Kelly wanted this discussion put on the agenda because Ms. Kelly wanted the Commission to clarify the scope and membership of the ongoing subcommittee. Mr. Harrington made a motion, seconded by Mr. Brannon, to call the subcommittee "Standing Subcommittee on Regulatory and Legislative Issues." By unanimous vote, the motion carried.

Mr. Whitfield made a motion, seconded by Mr. Harrington, to add Mr. Justin Healy and Mr. Rick Allamong as members of the subcommittee. By unanimous vote, the motion carried.

Discussion: Disclosure by Licensee who advertises properties where on-site sales could be conducted by one of the exemptions contained in § 2901

Mr. Allamong made a motion, seconded by Mr. Harrington, to add this discussion to the subcommittee. By unanimous vote, the motion carried.

Review of Broker Change Application

Mr. Harrington made a motion, seconded by Mr. Brannon, to grant broker change request for Monica LeBlanc from Associate Broker to Broker. By unanimous vote, the motion carried.

OLD BUSINESS

Re-review Letter from Barbara Carter

Ms. Wagner explained to the Commission the confusion with respect to Ms. Carter's request for reactivation of her license. Ms. Carter's license had been reactivated although she was deficient continuing education hours. After discussion, Mr. Allamong made a motion, seconded by Mr. Rogers, to grant Ms. Carter an extension to complete the 30 hours of continuing education. Ms. Carter will have until April 30, 2016 to complete 51 total hours of continuing education that will need to be submitted to the Commission for review. Ms. Carter will be tagged for audit in 2016. By majority vote, the motion carried with Mr. Harrington opposing.

After going to the wrong building, Ms. Carter appeared before the Commission after the Commission had already discussed her situation. The Commission explained their conclusion. Ms. Carter said that during the time frame in question she was in school for architectural engineering and has her transcript to show the Commission. Ms. Carter stated that she joined Americore in June and has 168 hours. Ms. Carter is now building houses for Habitat for Humanity. The Commission stated that she could submit some of those hours to the Education Committee to see if any of the courses that she took could apply to some of the modules.

Review and Signing of Hearing Officer Orders

Mr. Staton signed orders for:

Tinamarie Bolton
Carmen Brown
Jeffrey Garvey
Henry Eckhardt
Carolyn McCloskey
Melissa Welch
Diane Sangillo
C. Edward Scheivert
Tanya Jackson
Chris Ledeker

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

There was no other business before the Commission.

PUBLIC COMMENT

Ms. Tatman spoke to the Commission about an issue she had with a denied request of a continuing education outline. Ms. Tatman revised the outline and resubmitted for review by the Education Committee; however she received notification that a new application fee was required because the original application was denied and incomplete. Ms. Tatman suggested that the denial letter explain that if an application needs to be resubmitted a new fee is required or else how would people know. This situation happened with Angela Emerson as well. After discussion, the Commission felt that if a continuing education application is incomplete and will be resubmitted after correcting the incomplete information, then the application shouldn't be denied and should only be tabled. Persons shouldn't have to pay another fee for a resubmission of incomplete information on an application for continuing education.

NEXT SCHEDULED MEETING

The next meeting will be held on Thursday, August 14, 2014 at 9:00 a.m.

ADJOURNMENT

Mr. Brannon made a motion, seconded by Mr. McCann, to adjourn the meeting. By unanimous vote, the motion carried. The meeting adjourned at 10:45 a.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Sandra Wagner". The signature is written in a cursive, flowing style.

Sandra Wagner
Administrative Specialist III

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.